

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 3:11-CR-114-PLR
)	
BILLY RAY DOCKERY)	

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 155]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 157]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on May 21, 2017.

The defendant was convicted of conspiring to distribute and possess with intent to distribute oxycodone, in violation of 18 U.S.C. § 1956(h). At sentencing, defendant's base offense level was 27, with a criminal history category I, resulting in an advisory guideline range of 70 - 87 months. Defendant was sentenced on August 15, 2012, to 70 months imprisonment.

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 25, with a criminal history category I,

resulting in an amended guideline range of 57 - 71 months. Taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 155] is GRANTED, and the defendant's sentence is **reduced to 57 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated August 15, 2012, shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE